



FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee on Model Criminal Jury Instructions has adopted the following new model criminal jury instructions, effective August 2015.

ADOPTED

The Committee has adopted new instructions for use where a violation of the Sex Offenders Registration Act, MCL 28.721 et seq., is charged.

[NEW] M Crim JI 20.39 Sex Offenders Registration Act Violations-Failure to Register

(1) The defendant is charged with failing to register as a sex offender. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*], which required [him / her] to register as a sex offender.

(3) Second, that the defendant [resided / was employed / attended school] in the [county / city / village / township] of [*name political entity*] when [he / she] was required to register.¹

(4) Third, that the defendant failed to register as a sex offender with the [Michigan State Police / county sheriff's department / local police agency] in the [county / city / village / township] where [he / she] [resided² / worked / went to school].³

(5) Fourth, that the defendant's failure to register was willful.⁴ "Willful" means that the defendant freely chose not to register and was not stopped from registering by circumstances [he / she] did not control. It is not necessary for the prosecutor to prove that the defendant had a bad purpose or the purpose to do something wrong when [he / she] failed to register.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ M Crim JI 20.39k describes the in-person requirement for registration.

² M Crim JI 20.39l defines *residence* and *domicile*.

³ M Crim JI 20.39j should be used as the venue instruction.

⁴ Failure to register requires “willful” conduct. MCL 28.729(1). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. *See People v Lockett*, 253 Mich App 651, 655, 659 NW 2d 681 (2003).

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.724(5), (6), 28.729(1).

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39a Sex Offenders Registration Act Violations - Failure to Notify

(1) The defendant is charged with being a sex offender who failed to notify authorities of a reportable change in [his / her] sex offender registry information. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*], which would require [him / her] to provide certain information for the sex offender registry and to immediately report changes in the registry information to the [Michigan State Police / county sheriff’s department / local police agency] when the defendant:

[*Choose applicable provisions*]

- (a) changes or vacates where [he / she] is [residing / domiciled] [, and / or]
- (b) changes or discontinues where [he / she] is [employed / attending an institution of higher education] [, and / or]
- (c) changes [his / her] [name / motor vehicle ownership or use / e-mail or Internet communications address].

(3) Second, that the defendant

[*Choose applicable provisions:*]

- (a) changed or vacated [his / her] [residence / domicile] [, and / or]
- (b) changed or discontinued where [he / she] was [employed / attending an institution of higher education] [, and / or]
- (c) changed [his / her] [name / motor vehicle ownership or use / e-mail or Internet communications address].

(4) Third, that the defendant failed to notify¹ the [Michigan State Police / county sheriff's department / local police agency] in the [county / city / village / township] where [he / she] lived² of the change in registry information within three days.³

(5) Fourth, that the defendant's failure to register was willful.⁴ "Willful" means that the defendant freely chose not to provide notification of a change in registry information and was not stopped from doing so by circumstances [he / she] did not control. It is not necessary for the prosecutor to prove that the defendant had a bad purpose or the purpose to do something wrong when [he / she] failed to notify.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ M Crim JI 20.39k describes the obligation to provide in-person notification of changes.

² M Crim JI 20.39j should be used as the venue instruction.

³ MCL 28.725(1) requires "immediate" notification of listed changes. MCL 28.722(g) defines *immediate* as within three days.

⁴ Failure to register requires "willful" conduct. MCL 28.729(1). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. See *People v Lockett*, 253 Mich App 651, 655, 659 NW 2d 681 (2003).

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.725(1), 28.729(1).

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39b – Sex Offenders Registration Act Violations - Failure to Report Before Moving to Another State or Moving to or Visiting Another Country for More Than Seven Days

(1) The defendant is charged with being a sex offender who failed to report in person to notify authorities that [he / she] was going to move to another [state / country]. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*], which would require [him / her] to register as a sex offender who must notify the [Michigan State Police / county sheriff's department / local police agency] before

[*Choose from the following:*]

(a) moving to another [state / country].

(b) visiting another country for more than seven days.

(3) Second, that the defendant was a resident¹ of the [county / city / village / township] of [*name political entity*] in Michigan as of [*provide date that the defendant was alleged to have lived in Michigan*].

(4) Third, that the defendant

[*Choose from the following:*]

(a) moved to [*identify state or country*].

(b) visited [*identify country*] for more than seven days.

(5) Fourth, that the defendant failed to notify² the [Michigan State Police / county sheriff's department / local police agency] that [he / she] was

[*Choose from the following:*]

(a) moving to [*identify state or country*]

(b) visiting [*identify country*] for more than seven days

no later than [three days / twenty-one days]³ before [he / she] [moved / visited].⁴

(6) Fifth, that the defendant's failure to report was willful.⁵ "Willful" means that the defendant freely chose not to report before [moving to another (state / country) / visiting another country for more than seven days], and was not stopped from doing so by circumstances [he / she] did not control. But, it is not necessary for the prosecutor to prove that the defendant had a bad purpose or the purpose to do something wrong when [he / she] failed to report.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ “Residence” and “domicile” are defined in M Crim JI 20.39l.

² M Crim JI 20.39k describes the obligation to provide in-person notification of changes.

³ Use three days if the defendant moved to another state, and twenty-one days if the defendant moved to or visited another country. Moving to another state requires “immediate” notification under MCL 28.725(6). MCL 28.722(g) defines *immediate* as within three days. Moving to or visiting another country requires notification within twenty-one days under MCL 28.725(7).

⁴ M Crim JI 20.39j should be used as the venue instruction.

⁵ Failure to register requires “willful” conduct. MCL 28.729(1). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. *See People v Lockett*, 253 Mich App 651, 655, 659 NW2d 681 (2003).

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.725(1), 28.729(1).

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39c Sex Offenders Registration Act Violations – Providing False or Misleading Information

(1) The defendant is charged with being a sex offender who provided false or misleading sex offender registry information. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*], which would require [him / her] to provide certain information for the sex offenders registry.

(3) Second, that [*name witness who prepared the registration or took the defendant’s notification/verification information*] took information provided by the defendant concerning [his / her / the]

[*Choose applicable provision(s):*]

- (a) name(s) or any alias(es) that [he / she] used [, and / or]
- (b) social security number [, and / or]
- (c) date of birth [, and / or]
- (d) address or location of [his / her] domicile or temporary lodging [, and / or]
- (e) employer(s) [, and / or]
- (f) school(s) [he / she] [is attending / will be attending] [, and / or]
- (g) telephone number(s) [, and / or]
- (h) e-mail or instant messaging address(es), including login name(s) and identifier(s) [, and / or]
- (i) motor vehicle(s), aircraft(s) or water vessel(s) [, and / or]
- (j) driver's license or state identification card number [, and / or]
- (k) passport or immigration documents [, and / or]
- (l) occupational or professional license(s).

(4) Third, that the information provided by the defendant concerning [his / her / the]

[Choose applicable provision(s):]

- (a) name(s) or any alias(es) that [he / she] used [, and / or]
- (b) social security number [, and / or]
- (c) date of birth [, and / or]
- (d) address or location of [his / her] domicile or temporary lodging [, and / or]
- (e) employer(s) [, and / or]
- (f) school(s) [he / she] [is attending / will be attending] [, and / or]
- (g) telephone number(s) [, and / or]
- (h) email or instant messaging address(es), including login name(s) and identifier(s) [, and / or]
- (i) motor vehicle(s), aircraft(s) or water vessel(s) [, and / or]
- (j) driver's license or state identification card number [, and / or]
- (k) passport or immigration documents [, and / or]
- (l) occupational or professional license(s)

was false or misleading.

(5) Fourth, that the defendant provided false or misleading information willfully.¹ “Willfully” means that the defendant freely chose to provide false or misleading information, knowing that the information was false or misleading. It is not necessary for the prosecutor to prove that the defendant had a bad purpose or the purpose to do something wrong when [he / she] failed to notify.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ Providing false or misleading information requires “willful” conduct. MCL 28.729(1). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. See *People v Lockett*, 253 Mich App 651, 655, 659 NW2d 681 (2003).

Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.727(6), 28.727(1)(a)-(m), 28.729(1).

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39d Sex Offenders Registration Act Violations – Identification Requirements

(1) The defendant is charged with being a sex offender who failed to obtain and maintain a valid vehicle operator’s license or a state identification card. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*], which requires [him / her] to obtain and maintain a valid vehicle operator’s license or a state identification card with an accurate digitized photograph of the defendant.

(3) Second, that the defendant was instructed by [*name witness who directed the defendant to obtain a driver’s license*] to [obtain a driver’s license or state identification card

/ obtain a more current digitized photograph for the defendant's driver's license or state identification card].

(4) Third, that the defendant failed or refused to [obtain a driver's license or state identification card / obtain a more current digitized photograph for the defendant's driver's license or state identification card] as instructed.

(5) Fourth, that the failure to [obtain a driver's license or state identification card / obtain a more current digitized photograph of a driver's license or state identification card] was willful. "Willful" means that the defendant freely chose not to [obtain a driver's license or state identification card / obtain a more current digitized photograph for the defendant's driver's license or state identification card] and was not stopped from registering by circumstances [he / she] did not control. It is not necessary that the prosecutor prove that the defendant had a bad purpose or the purpose to do something wrong when [he / she] failed to sign the registration and notice.¹

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ Failure to register requires "willful" conduct. MCL 28.729(1). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. *See People v Lockett*, 253 Mich App 651, 655, 659 NW2d 681 (2003).

Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.725b(7), 28.729(1).

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39e Sex Offenders Registration Act Violations-Failure to Verify

(1) The defendant is charged with failing to verify his residence as a sex offender. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant was convicted of [*identify offense*], which required [him / her] to verify where [he / she] was living in [*provide the month that the defendant was to verify according to the defendant's birthday and the tier of his or her offense*].¹

(3) Second, that the defendant failed to report in person and verify [his / her] address with the [Michigan State Police / county sheriff's department / local police agency] in the [county / city / village / township] where the defendant's residence or domicile² was located³ on [*provide the month that the defendant was to verify according to the defendant's birthday and the tier of his or her offense*].¹

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ Tiers, offenses, and reporting dates are set forth in full, below.

² "Residence" and "domicile" are defined in M Crim JI 20.391.

³ Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.725a(3), 28.729(2).

Case Law

People v Lockett, 253 Mich App 651, 655; 659 NW2d 681 (2003).

Staff Comment

Failure to verify does not include a "willful" requirement in the punishment section, MCL 28.729(2). However, "impossibility" may be a defense. See *People v Likine*, 492 Mich 367, 823 NW2d 50 (2012).

Verification schedules for offenders are as follows:

Tier 1 Offenders: _ Verify once a year during the month of their birth.

Tier 1 Offenses are:

Offense Name	Statute
Child Sexually Abusive Activity or Material	MCL 750.145c(4)

Possession	
Aggravated Indecent Exposure, if victim was under 18 years old	MCL 750.335(2)(b)
Criminal Sexual Conduct 4th Degree, if victim was over 17 years old	MCL 750.520e
Unlawful Imprisonment, if victim was less than 18 years old	MCL 750.349b
Assault w/ Intent to Commit Criminal Sexual Conduct 2nd, if victim was more than 17 years old	MCL 750.520g(2)
Capturing/ Distributing Image of Unclothed Person if victim was under 18 years old	MCL 750.539j
Any violation of state law or local ordinance that by its nature constitutes a sexual offense against an individual who was under 18 years old	MCL 28.722(s)(vi)
Any offense committed by a person who was, at the time of the offense, a sexually delinquent person.	
Any offense substantially similar to a listed offense under a law of the United States, any state, or any country or under tribal or military law.	

Tier 2 Offenders: Verify twice a year per the schedule below.

Birth Month	Reporting Months
January	January and July
February	February and August
March	March and September
April	April and October
May	May and November
June	June and December
July	January and July
August	February and August
September	March and September
October	April and October
November	May and November
December	June and December

Tier 2 Offenses are:

Offense Name	Statute
Accosting, Enticing, or Soliciting a Child for	MCL 750.145a

Immoral Purposes	
Accosting, Enticing, or Soliciting a Child for Immoral Purposes w/ a prior conviction.	MCL 750.145b
Child Sexually Abusive Activity or Material Producing/Financing	MCL 750.145c(2)
Child Sexually Abusive Activity or Material Distributing/Promoting	MCL 750.145c(3)
Use of Internet/Computer System/ Prohibited Communication	MCL 750.145d(1)(a)
Crime Against Nature or Sodomy	MCL 740.158
Gross Indecency Between Male Persons, if victim was between 13 and 17 years old	MCL 750.338
Gross Indecency Between Female Persons, if victim was between 13 and 17 years old	MCL 750.338a
Gross Indecency Between Male and Female Persons, if victim was between 13 and 17 years old	MCL 750.338b
Soliciting, Accosting, or Inviting to Commit Prostitution or Immoral Act if victim was less than 18 years old	MCL 750.448
Pandering	MCL 750.455
Criminal Sexual Conduct 2nd Degree, if victim was over 13 years old	MCL 750.520c
Criminal Sexual Conduct 4th Degree, if victim was between 13 and 17 years old	MCL 750.520e
Assault w/ Intent to Commit 2nd Degree Criminal Sexual Conduct, if victim was between 13 and 17 years old	MCL 750.520g(2)
Any offense substantially similar to a listed offense under the law of the United States, any state, or any country, or under tribal or military law.	

Tier 3 Offenders: Verify four times a year per the schedule below.

Birth Month	Reporting Months
January	January, April, July, and October.
February	February, May, August, and November.
March	March, June, September, and December.
April	January, April, July, and October
May	February, May, August, and November.
June	March, June, September, and December
July	January, April, July, and October

August	February, May, August, and November
September	March, June, September, and December
October	January, April, July, and October
November	February, May, August and November
December	March, June, September, and December

Tier 3 offenses are:

Offense Name	Statute
Gross Indecency Between Male Persons, if victim was under 13 years old	MCL 750.338
Gross Indecency Between Female Persons, if victim was under 13 years old	MCL 750.338a
Gross Indecency Between Male and Female Persons, if victim was under 13 years old	MCL 750.338b
Kidnapping, if victim was under 18 years old	MCL 750.349
Child Kidnapping, if victim was under 13 years old	MCL 750.350
1st Degree Criminal Sexual Conduct	MCL 750.520b
2nd Degree Criminal Sexual Conduct	MCL 750.520c
3rd Degree Criminal Sexual Conduct	MCL 750.520d
4th Degree Criminal Sexual Conduct, if victim was under 13 years old	MCL 750.520e
Assault w/ Intent to Commit Criminal Sexual Conduct involving Sexual Penetration	MCL 750.520(g)(1)
Assault w/Intent to Commit Criminal Sexual Conduct 2nd, if victim was under 13 years old	MCL 750.520g(2)
Any offense substantially similar to the listed offense under a law of the United States, any state, or any country or under tribal or military law.	

[NEW] M Crim JI 20.39f Sex Offenders Registration Act Violations - Failure to Sign Registration and Notice

(1) The defendant is charged with being a sex offender who failed to sign a registration and notice form after its completion. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [identify offense], which requires [him / her] to provide certain information for the sex offender registry and to sign a

registration and notice form after it was completed and notice of the defendant's reporting duties had been described to [him / her].

(3) Second, that the registration and notice form was completed by [*name witness who prepared the form*], and that the form explained the defendant's duties to register, verify domicile, and report changes.

(4) Third, that the defendant failed or refused to sign the form.

(5) Fourth, that the failure to sign the registration and notice was willful. "Willful" means that the defendant freely chose not to sign the form and was not stopped from doing so by circumstances [he / she] did not control. It is not necessary that the prosecutor prove that the defendant had a bad purpose or the purpose to do something wrong when [he / she] failed to sign the registration and notice.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

Failing to sign the notice requires "willful" conduct. MCL 28.729(3). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. See *People v Lockett*, 253 Mich App 651, 655, 659 NW2d 681 (2003).

Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.727(4), 28.729(3).

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39g Sex Offenders Registration Act Violations - Failure to Pay Registration Fee

(1) The defendant is charged with being a sex offender who failed to pay a sex offender registration or verification fee. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*], which requires [him / her] to register as a sex offender and pay fees for registration and verification of information.

[Choose (3) or (4):]

(3) Second, that the defendant was registered as a sex offender by [*name witness who prepared the registration and notification form*], and was informed of [his / her] obligation to pay the registration fee

(4) Second, that the defendant reported to verify [his / her] residence or domicile with the [Michigan State Police / county sheriff's department / local police agency], and was informed of [his / her] obligation to pay the verification fee

(5) Third, that the defendant failed or refused to pay the fee.

(6) Fourth, that the failure to pay was willful. "Willful" means that the defendant freely chose not to pay and was not stopped from paying by circumstances [he / she] did not control.¹

[Instruct as follows where the defendant claims that he/she was indigent.]

(7) The defendant contends that [he / she] was too poor to pay the fee, so the failure to pay was not willful. In order to present this defense, there must be some evidence that the defendant presented information to the [Michigan State Police / county sheriff's department / local police agency] where [he / she] reported showing that [he / she] could not pay. If the defendant was too poor to pay the fee and presented information to the [Michigan State Police / county sheriff's department / local police agency], the failure to pay was not willful. The burden is on the prosecutor to show that the failure to pay was willful.²

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ Failure to pay requires "willful" conduct. MCL 28.729(1). However, it is not a specific intent crime; instead, it requires only the knowing exercise of choice. See *People v Lockett*, 253 Mich App 651, 655, 659 NW2d 681 (2003).

² Payment may be delayed under MCL 28.725b(3) where the defendant presents evidence of indigency to the reporting agency.

Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.725a(6), 28.725b(3), 28.729(4)

Case Law

People v Lockett, 253 Mich App 651, 655, 659 NW2d 681 (2003).

[NEW] M Crim JI 20.39h Sex Offenders Registration Act Violations – Registering Agent Offenses

(1) The defendant is charged with violating the Sex Offenders Registration Act by improperly using or disclosing non-public offender information. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that [name offender] is an individual who is required to be registered under the Michigan Sex Offenders Registration Act.

(3) Second, the defendant had knowledge of registration information for [name offender].

(4) Third, that the defendant [divulged / used / published]¹

[Choose applicable provision(s):]

- (a) the identity of the victim of [name offender]’s offense [, and / or]
- (b) [name offender]’s social security number [, and / or]
- (c) any arrests of [name offender] that did not result in a conviction [, and / or]
- (d) any of [name offender]’s travel or immigration document numbers [, and / or]
- (e) any e-mail or instant messaging addresses, or any login names or other identifiers assigned to [name offender] [, and / or]
- (f) [name offender]’s driver’s license number.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

¹ The non-public offender information is found at MCL 28.728(3)

Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.730(4), 28.728(3).

[NEW] M Crim JI 20.39i Sex Offenders Registration Act Violations – Student Safety Zone Offenses

(1) The defendant is charged with being a sex offender who violated school safety zone limitations. To prove this charge, the prosecutor must prove the following elements beyond a reasonable doubt:

(2) First, that the defendant has been convicted of [*identify offense*] and was registered as a sex offender, which prohibits [him / her] from [living / working / loitering] within 1000 feet of school property.

A school includes a public, private, denominational or parochial institution offering developmental kindergarten, kindergarten, or education for grades 1 through 12, but does not include a home school.

School property means any building, facility, structure, or real property owned, leased, or otherwise controlled by a school on a continuous basis for the purposes of providing education instruction or to be used by students under the age of 19 years for sports or other recreational activities.

(3) Second, that defendant [resided / worked / loitered] within 1000 feet of the property of [*name instructional institution*], which is a school.

[*Provide the following definition if appropriate or if the jury asks for the meaning of loitering*]

Loitering means remaining for a period of time within the 1000-foot zone under circumstances that a reasonable person would determine was for the primary purpose of observing or contacting someone less than 18 years of age.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

Use the general venue instruction – M Crim JI 3.10.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.733, 28.734, 28.735.

[NEW] M Crim JI 20.39j Sex Offenders Registration Act Violations – Venue

(1) The prosecutor must also prove when and where the crime occurred by proving both of the following beyond a reasonable doubt.

(2) First, that the crime occurred [on or about (*state date alleged*) / between the dates of (*state period of time alleged*)].

(3) Second, that [the defendant's last registered address or residence / the defendant's actual address or residence / the place where the defendant was arrested for the crime] was within the [county / city / village / township] of [*name political entity*].

[If there is a question where the defendant resided, provide appropriate instruction(s) below]

- (a) The defendant's residence is in the [county / city / township / village] where the defendant habitually sleeps and keeps [his / her] personal effects, and where the defendant regularly uses as [his / her] place of lodging.
- (b) If the defendant has more than one residence, or if [his / her] spouse has a separate residence, the defendant resides at the place where [he / she] spends the greater part of [his / her] time.
- (c) If the defendant is homeless or has no permanent or temporary residence, [his / her] residence is the [city / township / village] where [he / she] spends the greater part of [his / her] time.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

Use this venue instruction for failure to register under the act or for violations under MCL 28.725.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.729(8), 28.722(p)

Case Law

People v Dowdy, 489 Mich 373, 802 NW2d 239 (2011).

[NEW] M Crim JI 20.39k Sex Offenders Registration Act Violations – Registration / Notification / Verification In-person Requirement

In order to [register / verify registration information / provide notification of changes to registration information], the defendant is required to report in person to the [Michigan State Police / county sheriff's department / local police agency] in the [county / city / village / township] where [his / her] residence or domicile is located.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

Use this instruction where there is a question whether the defendant registered, verified or notified properly.

Use M Crim JI 20.39l if there is some question where the defendant lived.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.724(5), (6), 28.725(1), 28.724a(2), 28.725a(3).

[NEW] M Crim JI 20.39/ Sex Offenders Registration Act Violations – Definitions – Residence / Domicile

(1) As I have explained to you, the prosecutor has the burden of proving beyond a reasonable doubt that

[*Select (a) or (b):*]

- (a) the defendant's residence or domicile was in the [county / city / township / village] of [*name political entity*].
- (b) the defendant moved from [his / her] residence or domicile in the [county / city / township / village] of [*name political entity*].

[*Select any of the following that may apply:*]

(2) The defendant's residence is in the [county / city / township / village] where the defendant habitually sleeps and keeps [his / her] personal effects, and that the defendant regularly uses as [his / her] place of lodging.

(3) If the defendant has more than one residence, or if [his / her] spouse has a separate residence, the defendant resides at the place where [he / she] spends the greater part of [his / her] time.

(4) If the defendant is homeless or has no permanent or temporary residence, [his / her] residence is the [county / city / township / village] place where [he / she] spends the greater part of [his / her] time.

(5) The defendant's domicile is the place where [he / she] intends to stay, and to which [he / she] returns after going somewhere else.

Use Note

Take note that enforcement of certain provisions of the statute is in question under the pretrial summary disposition decision in *Doe v Snyder*, No. 12-11194 (ED Mich, March 31, 2015).

Use this instruction if there is some question where the defendant lived or if the defendant was homeless, or in cases where the prosecutor alleges that the defendant moved without notifying appropriate authorities.

History

Instructions for violations of the Sex Offenders Registration Act were adopted August 2015.

Reference Guide

Statutes

MCL 28.722(p)

Case Law

People v Dowdy, 489 Mich 373, 802 NW2d 239 (2011).